

Statement of Christopher Kearney
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U.S. Department of the Interior
Senate Energy & Natural Resources Committee
Subcommittee on Public Lands and Forests
Hearing on S. 476, the Boy Scouts of America Land Transfer Act of 2005
March 8, 2005

Thank you for the opportunity to testify on S. 476, the Boy Scouts of America Land Transfer Act of 2005, introduced by Senator Hatch. The Department of the Interior has a limited role in this legislation and the exchange it facilitates, but does not oppose the legislation.

Background

During the 1970s, the BLM patented nearly 1400 acres of public land through four separate Recreation and Public Purposes (R&PP) Act patents to the Utah National Parks Council of the Boy Scouts of America for the purpose of establishing a campground and recreational area for scouting programs. The campground is now known as Camp Thunder Ridge. Among the restrictions placed on the lands under the provisions of the R&PP Act patents is a prohibition on the sale, transfer or exchange of the lands. Absent this legislation, the Utah National Parks Council of the Boy Scouts would not be able to complete the proposed exchange.

S. 476

S. 476 provides for the exchange of lands between two private parties, the Utah National Parks Council of the Boy Scouts of America and Brian Head Resort. The legislation mandates that the terms and conditions that apply to the original Federal patent for the parcel of land to be exchanged by the Boy Scouts shall be transferred to the parcel of land to be acquired by the Boy Scouts. The bill further stipulates that the lands are of approximately equal value.

Because the land which the Boy Scouts propose to exchange with Brian Head Resort was patented by the Bureau of Land Management (BLM) under the R&PP Act, the Federal government retains a reversionary interest in the land if the terms and conditions of the original patent are violated. As noted, the legislation would transfer the terms and conditions contained in the original patent to the new parcel of land, creating a reversionary interest in those lands.

The lands proposed for exchange under this bill are in southwestern Utah, near Cedar City in Iron County. It is our understanding that the intent of both parties is to consolidate their respective lands in order to allow for their more efficient use.

Given that the Federal government's interest in this legislation is limited to its reversionary interest, we support the language applying the terms and conditions of the original parcel to the parcel to be acquired. While the BLM does not have independent knowledge of the value of the parcels proposed for exchange, the legislation stipulates that these parcels are of equal value. Ensuring that the parcels to be exchanged are of equal value is critical to protecting the Federal government's interest. Finally, we support the provision in section 3(b)(2) of the bill that provide for Secretarial discretion in the exercise of the Federal government's reversionary interest. Given the potential risks or liabilities that may exist with improvements or hazards on the property, we strongly support this provision.

Thank you for the opportunity to testify, I will be happy to answer any questions.